

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

Chairman Paul Carideo opened the meeting at 7:00 PM. Members present included Paul Carideo, Neil Emerson, Chris Dane, Robert Waldron, Bill Weber, and Priscilla Lindquist, Ex-officio voting member. Diane Gorrow, Town Counsel, Nicholas J. Cricenti Jr., PE, Town Engineer and Secretary Susan Hastings were present.

Attendees included P. Lancaster, S. Lancaster, J. Lavelle, Lavelle Associates, R. Atwood, M. Atwood, S. Mitchell, J. Mitchell, J. Manning, Points North Design Group, Scott Mitchell, James Mitchell and P. Williams, Media. **Attachment # 1**

CHAIRMAN'S REMARKS

Chairman Carideo announced the next meeting of the Planning Board is 2 June 2014. The last date to file plans for a Public Hearing at that meeting is 12 May 2014.

11-060, 060-1 1ST PUBLIC HEARING Lancaster Subdivision

This hearing was continued to 2 June 2014 by a vote of the Board on 5/5/2014.

The Chairman opened the continued public hearing for the Lancaster Subdivision.

Paul Carideo reported there were three members of the Board (Paul Carideo, Neil Emerson and Robert Waldron) on the site walk of Estee Road. They were joined by the property owner, Scott Lancaster and several abutters including Mr. Atwood and Mr. Keating. No notes were taken and a brief statement was submitted to the Chairman for the record, **Attachment # 2**

The letter from the Fire Department requests a 16-foot road width and tree cutting to accommodate the height of larger vehicles. The letter is part of the minutes, **Attachment # 3** Mrs. Atwood asked if compaction testing of the roadbed would be required, what the gravel specifications would be the number of trees to be removed and the amount of clearance required. Scott Lancaster agreed to do the work subject to the satisfaction of the Hampstead Fire Department. Town Engineer, Nick Cricenti said a plan showing the details of the work was needed including the drainage. A bond would be required for the work to be done.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

11-060, 060-1 1ST PUBLIC HEARING Lancaster Subdivision

CONTINUED FROM PAGE 1

Jim Lavelle agreed to have a plan showing the improvements required and the easements needed. Neil Emerson said there should be inspection of the cuts and fills. N. Cricenti pointed out this is a normal part of the road building process. C. Dane asked about (road) coring being done after the work on the roadway and the proposed width. P. Carideo said a plan is needed and it should address the major impacts, including sight lines especially on the corners. The drainage plan is important both on and off site. The turn-around proposed for the fire apparatus will have compaction testing done since it is unknown what is under the surface fill there now. R. Waldron, B. Weber and P. Lindquist agreed with the comments of Board members. P. Carideo said the testing and inspections are important aspects of the process. The Town should also have proper easements in place. J. Lavelle asked about prescriptive use of the access. P. Lindquist pointed out that an easement does not mean the town has a responsibility to maintain the road. N. Cricenti said a town easement might provide for the future should the Town want to have a Class V road. J. Lavelle said a road plan will be provided to SFC Engineering for review. N. Cricenti said he would prepare the bond also.

M. Atwood said she was concerned with who was going to pay the costs for the work and the maintenance of the road. S. Lancaster said he understood her concerns. An easement for a right to use the road should be provided to the current abutters. The Atwood's requested the Lancaster's to sign a hold harmless agreement with them. The drive access to the proposed dwelling and the square footage of the structure were questioned. It was asked to state "there be no further subdivision of the lots as shown." P. Lancaster said the road area on his property would be maintained by them. M. Atwood said she did not want to maintain a road. The current access allows abutters the use to get to their property.

Chairman Carideo asked Attorney Gorrow to comment. The Board may set the requirements for the approval including a roadway and its' maintenance. The Lancaster's are responsible to the Town for the road maintenance. It is up to the Lancaster's to determine how to meet their responsibilities to the Town. The Lancaster's can have a future road maintenance agreement with the abutters. N. Emerson pointed out the road is private and does not belong to the Town. D. Gorrow said the Town is not responsible for the maintenance of private roads.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

11-060, 060-1 1ST PUBLIC HEARING Lancaster Subdivision

CONTINUED FROM PAGE 2

A maintenance agreement for the road is required as part of the permit process. P. Carideo told S. Lancaster to work out the issues with the abutters. All legal documents are reviewed by Hampstead's Town Counsel.

P. Carideo said the Technical Review Committee discussed a plan note to make it clear this is a subdivision of one new lot as allowed by the court and no further subdivision.

Attorney Gorrow said before the building permit is issued, a road maintenance agreement is required...

P. Lindquist said the Town must have a Hold Harmless agreement.

MOTION

Neil Emerson made a motion to continue the Public Hearing for 11-060, 60-1, Scott Lancaster Subdivision to the next meeting, 2 June 2014. Chris Dane seconded the motion and it was approved. VOTE YES- Neil Emerson, Chris Dane, Robert Waldron, Bill Weber, and Priscilla Lindquist. ABSTAIN – Paul Carideo.

06-043-1 1ST PUBLIC HEARING KDRM Brickett's Mill Subdivision

Paul Carideo, Chairman, opened the public hearing for the Brickett's Mill Subdivision continued from 2 April 2014. Josh Manning, Points North Design Group presented the plans to the Board. The existing drainage is shown. Paul Carideo requested a copy of the wetlands PBN application notification, which J. Manning said he would provide. J. Manning said the existing driveway culvert was replaced. They found the culvert crushed, which was the reason for the storm flooding in the area. Drainage calculations were done about 1985 when the original plans were approved. N. Emerson asked about the signage. J. Manning said the sign is existing and the Code Enforcement Officer, Kris Emerson, had said it was not an issue. The lot has sufficient footage along the road and the sign met the footage requirements. State subdivision approval has been applied for, but has not been received. The applicant has a letter from Hampstead Area Water Company saying they will supply the water. A copy will be provided. N. Emerson asked N. Cricenti if he had anything other issues. Nick said he was only waiting on the drainage calculations. He said he would not be surprised to find the culvert was undersized.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

06-043-1 1ST PUBLIC HEARING KDRM Brickett's Mill Subdivision

CONTINUED FROM PAGE 3

J. Manning said they had replaced the culvert at the stream bottom. A copy of the NHDES PBN (Permit by Notification) will be provided. These conditions may change once the final reviews of final documents are completed.

MOTION

Neil Emerson made a motion to Conditionally Approve the Brickett's Mill Subdivision 6-43-1, submitted by KDRM dated 3/6/2014 and stamped received 5/5/2014 subject to receipt of the NHDES Wetlands application notification; drainage calculations for the culvert; NH Subdivision approval; a copy of the HAWC letter to supply water for the lot; a copy of the DES approval for the culvert and the usual items listed. (See Attachment # 3.). Robert Waldron seconded the motion. VOTE YES – Neil Emerson, Robert Waldron, Chris Dane, Bill Weber, and Priscilla Lindquist. ABSTAIN – Paul Carideo.

Bill Weber stepped down from the Board for the Tropic Star hearing.

06-046 PUBLIC MATTERS Hampstead Refueling Station, 235 Stage Rd.

Chairman Carideo said a letter requesting a time extension to meet the conditions of approval has been received, **Attachment # 4**. Scott and James Mitchell addressed the Board saying the New Hampshire DOT is still in the review process for the project. The response letter from the DOT addresses comments made from NHDOT Districts 5 & 6. Minor amendments were made to the striping type, note modifications and items for the traffic signal equipment. Abutter's comments about the islands within the state right of way were considered. NHDOT requested the islands be removed as part of the review and the plans show the islands removed. Scott Mitchell requested a time extension of 120 days to meet the conditions of approval. This will give the NHDOT time for review and time for a response if it is needed. Paul Carideo said he would review the documents provided.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

06-046 PUBLIC MATTERS Hampstead Refueling Station, 235 Stage Rd.

CONTINUED FROM PAGE 4

MOTION

Neil Emerson made a motion to grant Tropic Star LLC, Hampstead Refueling Station, 6-46, 120 days to complete the review process with the State. Chris Dane seconded the motion. This will give them until 28 September 2014 to complete the process. VOTE YES Neil Emerson, Chris Dane, Priscilla Lindquist, and Robert Waldron. ABSTAIN Paul Carideo.

Bill Weber returned to take his seat on the Board.

BOARD BUSINESS Correspondence

The Chairman said he would review the correspondence. He noted the Court has not scheduled the Depot Development case yet. They are still collecting information.

Irongate, 7-22, has received an AoT-0708 Permit. A member of the Irongate community has requested information on the project. N. Cricenti said some of the driveways to the dwellings have been changed. The time limit on the project has expired.

A LOMA has been received for 8B-12, William Chandler, 32 Shore Drive, Hampstead, NH. It is case no. 14-01-2002A.

A copy of each document is on file in the office.

BOARD BUSINESS Member Comments

06-060 Site Walk Neil Emerson asked if the note on the site walk would be part of the minutes. Susan Hastings said it would be an attachment to the minutes and part of the record.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

BOARD BUSINESS Member Comments

CONTINUED FROM PAGE 5

Website Neil Emerson said the applications for site and subdivision applications are not on line. The Secretary said they had been there and she would check and see they are put back on the web site.

Technical Review Committee Nick Cricenti was asked about the Technical Review Committee. He responded it is a staff review of plans by the police, fire, road agent, building inspector, and a member of the historical commission. It is not a formal committee and no decisions are made.

BOARD BUSINESS Minutes

The minutes were edited as follows: Page 1, Paragraph 5, Line 1 change "said" to "asked if"; Page 2, Paragraph 1, Lines 4 & 5 change to read, "Paul Carideo said the case was litigated. The Lancaster's may subdivide one lot from their parcel on a private road."; Page 3, Paragraph 1, Lines 7 & 8 to read "Mr. Lancaster said Deputy Warnock had told him the road was accessible and acceptable to the Fire Chief and the Police Department.", Paragraph 2, Line 2, change "attending" to "being notified"; Paragraph 3, Line 2 change to read "a road maintenance agreement between abutters.", Line 3 change to read "Paul Carideo said the Police and Fire Departments were not at the ZBA meeting and were not notified of the ZBA meeting."; Page 5, Paragraph 4, Line 1, change to read " Robert Waldron asked if the applicant would consider having a house sprinkler system."; Page 6, Paragraph 4, Line 2, change to read "She (Diane Gorrow) asked if Mr. Keating or Mr. Atwood had issues with the type of home, these are private issues between the parties involved."; Page 11, Paragraph 4, Line 1 change "send letter" to "send a letter".

MOTION

Robert Waldron made a motion to approve the minutes of 7 April 2014 as edited. Bill Weber seconded the motion and it was approved. VOTE YES Robert Waldron, Bill Weber, Neil Emerson, Chris Dane, and Priscilla Lindquist. ABSTAIN Paul Carideo.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes 5 May 2014

BOARD BUSINESS

Adjourn The meeting was adjourned at 8:00 PM.

MOTION

Priscilla Lindquist made the motion to adjourn the meeting. Chris Dane seconded and the motion was approved. VOTE YES Priscilla Lindquist, Chris Dane, Neil Emerson, Bill Weber, and Robert Waldron. ABSTAIN Paul Carideo.

Respectfully submitted,

Susan Hastings, Secretary